



THE COMMONWEALTH OF MASSACHUSETTS

WATER RESOURCES COMMISSION

100 CAMBRIDGE STREET, BOSTON MA 02114

Meeting Minutes for June 9, 2005

Members in Attendance:

Karl Honkonen	Designee, EOE
Marilyn Contreas	Designee, DHCD
David Terry	Designee, DEP
Gerard Kennedy	Designee, DAR
Mark Tisa	Designee, DFG
Jonathan Yeo	Designee, DCR
David Rich	Public Member
Bob Zimmerman	Public Member
Gary Clayton	Public Member

Others in Attendance:

Mike Gildesgame	DCR
Linda Hutchins	DCR
Michele Drury	DCR
Frank Hartig	DCR
Sara Cohen	DCR
Steve Garabedian	USGS
Ted McIntire	Town of Reading
Peter Hechenbleikner	Town of Reading
Peter Tassi	Town of Reading
John Gall	CDM
Kerry Mackin	IRWA
Vandana Rao	EOEA
Martha Stevenson	LWVM
Kathy Baskin	EOEA
Eileen Simonson	WSCAC
Duane LeVangie	DEP
David DeLorenzo	DEP
Jim Stergios	EOEA
Margaret Kearns	Riverways
Nicholas Zavolas	MEPA
Pam Heidell	MWRA
Andrea Langhauser	DEP
John Clarkeson	EOEA
Samantha Woods	Weir River Watershed Association
Kirk Shilts	Town of Hingham WSC
Ryan Ferrara	MWRA Advisory Board

Agenda Item #1: Executive Director's Report

Hutchins provided an update on the hydrologic conditions:

- May was a cool and rainy month. Rainfall in May was above normal in the coastal regions of Massachusetts. An estimated 4.6 inches of precipitation fell statewide, which is 123% of normal, but the distribution was not even. The coastal region had rainfall that was very much above the normal amount (close to 200% in the northeast region), and the western regions had very low amounts, 52% in the western region and almost 67% in the Connecticut River region. This is causing concern, because the western part of the state has been dry for about five weeks. No one is reporting problems yet, but water suppliers are watching this. Another concern is from the National Drought Monitor web page, which indicates below normal conditions developing in New York state. This can have the tendency to creep over to Massachusetts.
- May 2005 was one of the top five coolest Mays on the records for the past 100 years. The Blue Hill Weather Observatory has said that this is the second least sunny May since 1888.
- There was a late season nor'easter from May 24-26 which caused widespread minor coastal flooding due to the persistent winds and the very high tides. There were also some pockets of moderate flooding.
- Ground water levels in most of the state were normal to above normal, with the exception of northwest Massachusetts, which had below normal ground water levels.
- Streamflow in the eastern half of the state was above normal; the remainder of the state had normal conditions.
- Water Supply reservoirs are in good shape. Many of them are still nearly full. Quabbin Reservoir is overflowing. Water use has only begun to increase during this past week, as temperatures have risen.
- Fire danger is not a concern right now.
- Forecasts: the next five days will continue to have above normal temperatures and low precipitation. There may be isolated thunder storms. The Climate Prediction Center is forecasting normal to below normal temperatures through June 22nd and normal to below normal precipitation for the same period.
- The hurricane season has begun. NOAA is predicting an above normal hurricane season with a 70% probability of above normal and a 20% probability of a near normal season. The WRC was referred to the NOAA website for more information on hurricane tracking.

Stergios asked the Commission's indulgence to make an announcement. He said that Karl Honkonen, EOEAs Water Policy Director and Executive Director of the Water Resources Commission, will be leaving state service to work for Weston and Sampson. EOEAs would like to recognize the work he has done. Stergios read a certificate from the Governor's Office and then said that Honkonen was incredibly patient and a consensus builder, and Stergios thanked him for his service. The WRC and attendees all gave Honkonen a standing ovation.

Honkonen said that it has been a lot of fun. He has worked for the Commonwealth for almost 21 years and has learned a lot. He will be taking the skills he has learned with him. He hopes to educate the private sector on new environmentally sensitive ways of thinking. He thanked Stergios and the Governor.

Honkonen continued with the Executive Director's Report:

- Kathy Baskin will be taking over as Executive Director for the WRC beginning in July. He said that the WRC Staff was immeasurably helpful and he expected that this will continue under Baskin's tenure.
- EOEA is close to awarding the Watershed Implementation Grants. These grants are to implement the projects identified in the 5-year watershed action plans. John Clarkeson is overseeing these grants.
- EOEA and the Executive Office of Transportation are working on a Wetlands Mitigation bank in the Taunton River basin. Blue Wave Strategies has been selected as the vendor for this project. Vandana Rao will be overseeing this process for EOEA. This will concern projects within the Taunton River basin that have been identified in the transportation bond and may have wetland impacts. The bank will seek an offsite existing impacted wetland to restore through this process.

Agenda Item #2: Vote – Meeting Minutes for January and February 2005

Honkonen commended the Staff for the efforts to catch up with the meeting minutes. He suggested that the goal should be to have minutes within a month or two of the meeting and then shortly after approval, to have them posted on the WRC website. Gildesgame added that there were meeting minutes available electronically going back to 1996. These will be posted to the web.

A motion was made by Tisa and seconded by Contreas to approve the minutes for January 2005. The vote in favor was unanimous.

A motion was made by Tisa and seconded by Yeo to approve the minutes for February 2005. Rich. Rich pointed out that there was a typo. The vote in favor of the corrected minutes was unanimous.

Agenda Item #3: Presentation – Water Needs Forecasts for Raynham Center Water District

Drury said that Bill Ward, the Water Superintendent is on vacation this week, so there were not any representatives from the Water District present. However, they are aware of the projections and that they will be discussed this month and voted on next month. The District has reviewed the revised projections and is satisfied with them. These are before the Commission because the original 1989 projections needed revision.

Raynham Center Water District (RCWD) is within the town of Raynham, in Southeastern Massachusetts. This area has experienced quite a bit of growth. From 1990 to 2000, there was a 19% increase in the Town's population, according to the US Census figures. According to Vision 2020, developed by SRPEDD, by 2025, Raynham is expected to experience a 41% increase over the 2000 census.

This is one of two water districts in Raynham. RCWD serves 75% of the town's population. The rest are served by the North Raynham Water District (NRWD), or have private wells.

Drury acknowledged DeLorenzo from DEP's Southeast Region and Duane LeVangie with the Water Management Act (WMA) program. The Southeast office has been working with Drury very closely on these projections. RCWD has a very good water conservation program. It is 100% metered, including any public buildings within the district. They have an increasing block rate. Average residential gpcd is 64 and unaccounted-for water averages about 7%. The current WMA permit is for 0.82 mgd through 2010. RCWD water use has been above this, 0.96 mgd during 2004. This is attributed more to growth, rather than violations of the WMA.

It appears, given the most recent data, that by 2010, RCWD will need 1.12 mgd. This will increase incrementally until 2025, when they will need 1.29 mgd. DEP is satisfied with the District's water conservation program and the only problem with the WMA is the exceedance of the withdrawal limits.

Zimmerman asked about wastewater disposal. Drury said that Raynham was sewered to the Taunton wastewater treatment plant, within the City of Taunton. Sewerage is discharged in-basin, but out of town. DeLorenzo said that most of this water district is sewered. About 70% of town is sewered. Simonson asked about projections for NRWD. Drury said that these were two separate entities. Simonson asked if growth in the NRWD was similar to growth in the RCWD. Drury replied that she imagined it would be proportionate. However, as growth occurs in town, it may not occur simultaneously in both areas. The RCWD is fully sewered, so one could assume that more growth would occur in the sewered areas. Simonson asked about the town's zoning, and Drury replied that this analysis is not usually done and is beyond Staff's capabilities. The demand projections have been developed so the Water District can get back into compliance with their WMA permit.

Honkonen said that this will come before the WRC in July for a vote. Drury asked that WRC members get in touch with her if they had any questions before then. Zimmerman asked if Raynham was looking for new water supply sources. Drury and DeLorenzo answered no. DeLorenzo added that both the town of Raynham and the city of Taunton were underway with comprehensive water management planning and DEP has been working with communities to facilitate cooperation. The southern portion of Raynham (NRWD) is the commercial zone. Route 44 runs through this area. Raynham is between Routes 24 and 495. The community is primarily residential but there is a substantial commercial sector. Drury added that RCWD had seen a good deal of commercial growth as well. RCWD is separate from the town of Raynham, which operates the sewer system. Some issues with the sewerage are beyond the RCWD's control.

Hutchins asked what the currently permitted amount was for RCWD. LeVangie answered 0.8 mgd. He added that originally, it was 0.82, but with the new policy, it was reduced to 0.8 mgd. RCWD appealed this, but knowing that they were coming back for new permit with new demand projections, they withdrew the appeal. Drury said that the latest data seem to support the fact that the original demand projections were too low. LeVangie said that RCWD is currently using 0.95 mgd. Mackin asked if there was any consideration of requiring RCWD to implement a water bank. She then asked what the summer/winter water use ratio was. LeVangie said that he did not know about the water bank, but the summer/winter ratio in 2001 was 1.53; 1.77 in 2002 and 1.37 in 2003. Simonson asked what made the difference. LeVangie did not know at this point.

Simonson said that one of the things this highlights is the need to eliminate sub-political entities within communities. Someone must take charge of the separation that occurs when this happens. Local control is getting into smaller and smaller units, she said. It is all beginning to feel out-of-control. This should be discussed and legislation should be proposed she said.

Agenda Item #4: Vote – Reading’s Application for an Interbasin Transfer from the MWRA Water Works System

Honkonen said that the first Staff Recommendation on the Reading proposal had been presented to the WRC last year, but the Town has been working on this for far longer than that. Much has changed since the first Staff Recommendation. There has been considerable debate among Commission members, agency staff, environmental interests in the watershed and elsewhere, the Town and its consultants. It has been a positive debate. A more detailed product has been developed as a result of this debate.

Gildesgame noted some corrections to the Amended Staff Recommendation #2:

- The first page, first paragraph, first sentence - the date is incorrect. It should read June 9, 2005.
- The last sentence in the first paragraph, first page should read: “while limiting withdrawals from its Ipswich River basin sources to 1 mgd during that period.”
- Page 7, September should be changed to October.

He reminded the commission that through this interbasin transfer, the Town of Reading seeks to purchase 219 million gallons (mg) of water from the MWRA during the period of May through October. The Town is seeking this transfer so that it can reduce its use of water supply sources in the Ipswich River basin to 1 mgd, rather than pumping its sources at about 2.5 mgd, which it has been doing in the past. The ITA requires that the Town of Reading demonstrate that this proposal will not negatively impact the *donor* basin, in this case the MWRA sources the Chicopee and Nashua River basins. Staff has found that the impacts to the donor basin are acceptable and that the Town has met all other requirements of the Act.

The application by Reading was evaluated against the eight criteria outlined in the regulations as well as the ITA performance standards. As noted in the staff recommendation, the application meets six of the eight criteria while two criteria do not apply to this case. Each of the relevant criteria was carefully evaluated and reviewed by staff from the OWR, DEP, DFG, EOE, and others. Therefore, the staff recommends that the Commission approve this application with certain conditions intended primarily to ensure that the MEPA limits on purchase of MWRA water and the use Reading’s own sources provide adequate water for the Town during the period of May through October.

One of the criteria of the Act requires that “all practical measures to conserve water have been taken in the receiving area”. This has been a subject of some discussion in the last year. Reading’s conservation program meets the criteria of the Act and is widely regarded as a good program based, on all the indicators. He noted that in the Water Conservation Report Card issued by the IWRA and Mass Audubon in 2002, Reading achieved the highest overall grade obtained by any community in the watershed. In addition, in January of this year, the Town further tightened up its Water Conservation regulation. Nonetheless, he continued, the

conditions of the approval of the application would require additional restrictions to link outdoor water use to streamflow in the Ipswich River.

Gildesgame emphasized that the authority of the Commission under the ITA focuses on the protection of the donor basin and that the Act concerns itself with the receiving basin only to the extent that the receiving area must demonstrate that it has a good conservation program in place, that it has, or is in the process of developing, a Local Water Resources Management Plan, and that it has developed all viable in-basin sources. These criteria have been met in this case. Streamflow improvements to the receiving basin from the reduction in pumping within the Ipswich are a significant benefit that results from the transfer, but are not controlled or regulated by the Act.

It is also worth noting, he said, that the Town of Reading is not subject to the Water Management Act, just as most of the other Ipswich towns are not subject to the ITA. Comparing what other towns may be required to do in the future permit under the Water Management Act with Reading's requirements under the ITA is not within the purview of the Commission in considering this application, and is not relevant to this decision.

Finally, Gildesgame stated, the ITA is not intended to be a restoration tool for the receiving basin, and the real streamflow benefits to the Ipswich River from this proposal are a desirable but unregulated outcome of this application under the Act. While the Town's motivation for initiating this application may have included benefits to the Ipswich River, the review of the application focuses on the donor basin and the requirements of the Act.

Therefore, Gildesgame respectfully requested that the Commission focus on the specific requirements of the Act and recognize that the Town of Reading has met all requirements for approval of its application, and approve the application.

Tisa diverged to thank Honkonen for all his efforts and energies on the Commission. He added that Gary Clayton was also leaving the Commission and he wanted to publicly acknowledge Clayton's years of service on the Commission. With that, Clayton received a round of applause from the Commissioners and attendees. Gildesgame said that Clayton's contributions had been very valuable and thoughtful. Tisa said that Clayton would be missed.

Tisa then thanked the Town for their efforts and willingness to work with Staff to try to reach a resolution that everyone was happy with. He said that he also appreciated the efforts of WRC Staff and the concerned citizen groups. He appreciated all the information that had been brought forward. His comments were focused on the conditions of the Staff Recommendation. He said that he had spoken to Gildesgame and Rao in detail about his comments in advance. He has four major recommendations involving three of the conditions. The first is relative to Condition 2, under the triggers. He would feel more comfortable relative to the protection of the resource if Condition 2a was changed from and to or, so the language would read: "If the Town purchases water from the MWRA during the May 1—October 31 period in volumes that equal or exceed those in Table 3, or if the streamflow ...", then the Table 4 restrictions would apply. He does not feel that this is a major change for the Town, but it is a major change in terms of protecting the Ipswich River. Zimmerman asked Tisa to make this into a motion.

MOTION: A motion was made by Tisa and seconded by Zimmerman to amend Condition 2a on page 26 of the Staff Recommendation to change and to or so the language would read: “If the Town purchases water from the MWRA during the May 1—October 31 period in volumes that equal or exceed those in Table 3, or if the streamflow ...”

Honkonen then asked if, for example, Reading has used less than 44 mg of water in June 1, but streamflow has fallen below the trigger gage reading, would the water use restrictions be put into effect. Tisa answered “exactly”. Tisa said he would feel much more comfortable about this application if this change was made because this makes the best use of the best science available. Yeo said that he would oppose this motion. He thinks that this moves a voluntary Interbasin Transfer Act request to focus on the receiving basin, instead of the donor basin, which is the charge of the Act. It makes no sense under the ITA. Yeo said he thought that the solution in the Amended Staff Recommendation makes a lot of sense to assure that the town does not exceed the 219 mg during the May through October period. The solution as outlined and put together over many, many months is the right solution, he said.

Tisa said that he disagreed that his motion made no sense. Streamflow is in the conditions. He said that the two should not be separate, in terms of water conservation. He is suggesting that it is an “or” situation. When streamflow drops below a certain point, he said, it is time to start conserving water in the town of Reading. Yeo said that the amount taken from in-basin sources will be fixed during this time period so what Tisa is suggesting has no impact on the streamflow in the Ipswich River. Tisa disagreed. Yeo asked if Tisa’s amendment would protect the donor basin. Yeo said that this is what the condition, as currently written, is set up to deal with. The only thing that will change under Tisa’s amendment is the amount of water they will take from the MWRA. Tisa replied that what is being proposed is conserving water, period. This will help ensure that the MWRA water is still there.

Tisa added that one of the major reasons that this proposal was made is to protect the Ipswich River. Yeo said that this is what the Staff Recommendation does. He added that he did not think that the Commission should punish the town. Terry said he understood where Tisa was coming from, but he did not understand why conservation would not be based on what was happening in the donor basin. Tisa said that he had spent a significant amount of time with staff dealing with issues relative to the donor basin and the solutions are on-going. What he is doing here is dealing with the Staff Recommendation and saying it is better to have an “or” in there for water conservation purposes. He does not think this is unreasonable. Zimmerman said that there was no local link between what was going on in the receiving basin and what was going on in the donor basin. This is one of the big problems in the state, he said. People think water comes from the tap and goes down the drain. Zimmerman said a huge educational process was needed. A link between streamflow and conservation is not harmful.

Honkonen suggested that under this change, the town could use a gallon of water but if the streamflow is below the threshold, Reading will have to conserve and will not be getting any benefit from another basin to off-set impacts from their own sources. Tisa replied that if this change was made, Reading will be made to think about conserving water, no matter where it comes from. Yeo asked if it would be more likely for Reading to exceed its trigger volumes or for the streamflow thresholds to be triggered. Tisa said he did not know the answer to this. Zimmerman said an analysis of this set of conditions over the ‘60’s drought indicates that this

condition, as written, would almost never be implemented in wet seasons or dry seasons. Yeo and Gildesgame indicated that this was good, because it showed that the conditions were working, and Reading was adding 1.5 mgd to the river. Zimmerman replied that this is the town with the most significant impact to the river. This town won't have to implement hand-held only restrictions! He suggested that streamflow triggers should be mandatory.

Gildesgame replied that the WRC does not have this authority under the ITA. The ITA will not solve all of the Ipswich River's problem and is not intended to. The town has volunteered to limit its withdrawals to 1 mgd and import water from MWRA. This is a huge savings of streamflow in the Ipswich River. The WRC cannot require the Town to take less than 1 mgd from the river without additional legislation, which is unlikely to be passed. There is a limitation on what can be required. Zimmerman said that in two years, Reading will have to renegotiate their registered volume. If they walk away from this, he suggested that the Commission could wait two years and go "eyeball to eyeball" with them. It could be revisited with lawyers and the courts. He does not really recommend this now, he said. But it seems to him the interpretation of the ITA in the most narrow way does not serve the state and certainly does not serve the Ipswich River. Gildesgame disagreed with Zimmerman.

Honkonen said the Commission needed to get back on track. There was a motion on the floor and Tisa had additional comments. He turned to Tisa to continue his comments. Tisa said that he was trying to work within the existing framework outlined in the amended Staff Recommendation. He said that he thought that he made a reasonable recommendation to address a major concern he has with this proposal. By inserting the word "or", water conservation would be required anytime one of these conditions is met.

Rich said that he agreed with Yeo but for a different reason. If this is changed, we are requiring a streamflow trigger in the receiving basin that stands alone. He does not think the WRC has this authority. He agrees that the Ipswich River should be protected, but he does not want to do anything that is illegal. Clayton said the criteria that need to be considered under the Act include water conservation, so the WRC has the authority to require water conservation. He said a great deal of effort has been put into the Staff Recommendation.

Hechenbleikner asked if all the amendments could be discussed before the WRC considered voting on them because the others may be linked and it could affect the Town of Reading's position. The WRC agreed to this request.

Mackin said that the requirement for streamflow restrictions was part of an earlier Staff Recommendation and was not considered illegal then. In some respects, she said, the current restriction is one of the weaker provisions that have been proposed at any time in the past year. She does not agree with Yeo that this provision is only to protect the donor basin. She claims that there is nothing in the ITA that says that water conservation measures are only targeted at saving water in the donor basin.

Tisa continued with his second comment concerning Condition #2. He recommended that there only be two levels of outdoor restrictions, referring to Table 4. He does not believe that reducing the hours that sprinklers can be used is as effective as requiring hand-held devices only. This

will provide a greater level of water conservation, he said, and would require eliminating the first level shown in Table 4.

His third recommendation is to change Condition #1 to provide a clear process to declare emergencies as described in this condition. He understood the need for emergencies, but there needs to be a process to notify DEP and the WRC. He thinks this should be clarified.

Tisa's fourth point related to Condition #5. At previous meetings, the new treatment plant has been discussed. He would like the WRC to require Reading to come back and discuss new pumping regimes in relation to the Ipswich River. Honkonen asked how this differed from the way this condition reads now. Tisa said that it was not strict enough. Hutchins asked if he wanted a formal revisit by the Commission. Tisa agreed. He said he understood Reading's concerns about the engineering capabilities, but when the new plant comes on-line, this should be revisited. Drury said that the WRC's only authority with this situation would be if the new pumping regime resulted in Reading purchasing more water from out of basin. If it resulted in any changes in the receiving basin, that would be under DEP's purview.

Simonson said that she objected to this discussion because there has not been "one iota of empirical data on this plant", so as far as she was concerned "it was all magic". She maintained Reading could have requested that only 0.5 mgd would be used from their local sources and requested a higher interbasin transfer amount. This is a totally arbitrary discussion, in her opinion. The fact that a new plant is being built should at least require the town to come in and talk, she said. She maintained that this is not outside of the WRC's jurisdiction. In Condition #5, she said, "if" is followed by "then Reading must..." but it is only conditioned on their willingness to propose a change. Only then, must they come to the Commission. Yeo said that what this refers to is the interbasin transfer from the MWRA. The WRC cannot dictate how much Reading purchases from the MWRA. Simonson said it is a conservation measure. Reading doesn't want to purchase more water that is "wildly more expensive than pumping from their own sources" she said "so it seems to me that we should at least entertain the request for the town to come in a discuss the new plant and its ability to operate with streamflow triggers. I don't see what the problem is." Honkonen said it all boils down to how you define "must consult". Simonson said this condition does not require Reading to propose an alternate pumping regime. Gildesgame asked under what authority the WRC could require Reading to propose an alternate pumping regime. Simonson said that the WRC was allowing Reading to pump one mgd from the Ipswich River, while restricting their purchase from the MWRA. "You could have told them to buy 300 mg!" she said. Many Commissioners replied that the WRC cannot require any proponent to purchase any amount of water. Simonson said that 219 was an arbitrary number. Reading could have decided to purchase more. Gildesgame agreed that they could have decided that, but the WRC has to deal with the application as it was received.

Tisa said that he had finished with his major comments and he would put them in the form of a motion, but first, he wanted to hear what Reading might have to say about his proposals. Honkonen suggested that other Commissioners give their opinions first. Kennedy said that a great deal of effort has gone into the conditions and he had a great deal of respect for Tisa's comments, but he was reluctant to change the decision after so much effort had been made. Reading's conservation programs, he said, seem to be very good and he is comfortable with the Staff Recommendation as written.

Zimmerman said he did not have a problem with changing the Recommendation. This is a very highly negotiated document. He said that “you can bet that on the Town’s side” everything has been carefully calculated so that impacts to the Town’s operation of its water supply system is close to what was decided in the December decision. Zimmerman would like to see mandatory shut-off triggers imposed.

Terry said that these are fundamental policy decisions that are worthy of a lot of discussion, but in the absence of that discussion, he is not comfortable changing things at the last minute. He said this needed to move forward.

Contreas said she appreciated Tisa’s concerns but she was satisfied with the Staff Recommendation as written. She understands that all parties had a chance to get to the table while the Staff Recommendation was being developed. This is the product.

Rich asked about Tisa’s suggestion to define a process for emergencies. He referred to the DECLARATION OF A STATE OF WATER SUPPLY EMERGENCY, referenced in the amended Staff Recommendation. Does this mean that Reading would have to contact DEP before declaring an emergency? LeVangie said yes.

Clayton referred to Condition #4, which said the Town could request amending the thresholds. Why can’t the WRC also request an amendment? Drury said the thought was that if the Ipswich permit appeals changed the threshold, the Town wanted to be held to the same standard as the other communities in the Ipswich basin. Clayton asked why it wouldn’t be “and/or” the WRC. LeVangie said if the thresholds become less restrictive, the Town wants the ability to come back and ask for a “better deal”. If they become more restrictive, the Town will probably not want to request more restrictions. He was not sure the WRC can condition it this way. Drury agreed that it was a legal issue. If this Staff Recommendation is approved, she said, both parties would need to consent to any changes.

Simonson said that she was confused. She did not understand how streamflow triggers by DEP have anything to do with what you’re deciding here today, frankly, for Reading. You either decide on the reasonable streamflow that should be kept in the Ipswich and that’s part of the Interbasin Transfer Act approval. “Since when does this Commission then decide that the approvals under DEP impact what you’re doing here?” Drury reminded Simonson that the reasonable instream flow criterion applied to reasonable instream flow in the donor basin, not in the receiving basin. Simonson replied, “Exactly! So if DEP changes flows in the Ipswich, what does that have to do with your approval on Reading?” And why would you ever entertain this question? “These other towns haven’t asked for an Interbasin Transfer Act approval. And in fact, their permits through DEP have nothing to do with what you do here, except that you generally review how DEP functions on those things. But the point is this is an Interbasin Transfer Act approval. If you have utilized DEP’s streamflows, because you found them reasonable to use in making your deliberation, but if the courts or DEP then changes them, I don’t see how the Town has any authority to ask you for a better deal since none of the other people are taking water from out of the basin. ... I don’t see how you would have jurisdiction to change it based on the Water Management Act.”

Clayton said that he did not think that the language of this condition contemplated a lessening of the standards. He thinks that the WRC should also have the ability to request a change under this condition.

Simonson said that the WRC could not “just pick and choose” which DEP conditions it used. Therefore, she said, hand-held only restrictions should be required in the decision. Yeo said that these are different issues.

Tisa said that his comments were not last minute, but were put together in the short time frame that all Commissioners have to deal with the issues before them. He said that Commissioners don’t have the opportunity to work on these issues full time. All he is doing is reacting to the information given to him within the timeframe he has. It is his responsibility to bring these comments to the WRC now. He thinks that all recommendations to the WRC should be critically reviewed and he tries to do this in the few weeks he has to do it.

Honkonen suggested that the WRC take public comments on this proposal. He said he would appreciate it if the comments pertained to the issue at hand and to any new information concerning the amended Staff Recommendation. Clayton asked if it would be helpful to summarize the proposed changes to the Staff Recommendation. Honkonen said the proposals before the Commission today were:

1. To change and to or so the language would read: “If the Town purchases water from the MWRA during the May 1—October 31 period in volumes that equal or exceed those in Table 3, or if the streamflow ...”
2. To amend Table 4 on page 27 of the Staff Recommendation to eliminate the first level and reorder the other two levels so that there would be only two levels.
3. To provide a process to determine a water emergency.
4. To amend Condition #5 on page 28 of the Staff Recommendation to read: “After the new water treatment plant is on line in Reading, the Town will consult with the WRC relative to alternative purchase and withdrawal scenarios.”
5. To amend Condition #4 on page 28 of the Staff Recommendation to read: “. . . If the thresholds set forth in the water withdrawal permits issued to permittees in the Ipswich River basin change, the Town or the WRC may request an amendment of the thresholds in this Interbasin Transfer Act document....”.

Honkonen then recognized Hechenbleikner from the town of Reading. Hechenbleikner said that he appreciated everyone’s efforts on this. He agreed that this is has been a negotiated process, and when things are negotiated, he said, it is hoped that all parties are satisfied with the outcome. Reading feels that that it could live with the latest Staff Recommendation. He would like to address each of the new issues and give the Town’s position.

In terms of Condition 2, he said that the language (“and” versus “or”) had been a very hotly negotiated issue and the recommendation for the dual trigger came from DEP staff. Reading felt that this was a compromise that it could make from its previous position, which was no trigger threshold.

In terms of the change proposed for Table 4, to eliminate the first outdoor water use restriction level, he said that Reading’s initial proposal had another step, a 25% reduction. The Town can live with what the Staff has proposed in the most recent Staff Recommendation and, in fact, he

added, the Board of Selectmen agreed the other night that these restrictions can be implemented now, if it seems the Town is headed for a problem, in order to manage with the resources available.

In terms of the “clear process” for water supply emergencies, Hechenbleikner said, this is a regulatory issue, not a policy issue. DEP has a process in place which outlines how an emergency gets declared. This should not be in this approval, which should deal with broad issues.

Hechenbleikner said that the Town would agree to come back if the new water treatment plant comes on line, and he added that it was unclear if it would, due to the discovery of blue-spotted salamanders at the site.

The issue for the Town to come back and request a change in thresholds if the WMA permits are changed is one of the guiding forces for the Town. This is a fairness issue, Hechenbleikner said. The Town doesn’t think it is fair to be bound to conditions that are different to what the rest of the communities in the basin are bound by. Reading feels strongly that this should be at the Town’s discretion and not the WRC’s.

Hechenbleikner said that this is the Town’s position and he hoped the WRC would approve the recommendation in its favor. Reading wants to go forward with this process so that next year it will be in a situation where it can reduce consumption from the Ipswich River sources by 60% during the summer months.

Mackin also thanked everyone. She said that the requirement that the Town limit its use of Ipswich sources to one mgd through the month of October is a positive outcome. She said the outdoor water use restrictions outlined in the Amended Staff Recommendation were not acceptable to IRWA. She claimed that the Staff Recommendation exempts Reading from flow-triggered restrictions more than 90% of the time during low flow events. She agrees that there should be equity among the basin communities. But, she said, even after this Interbasin Transfer, Reading will still have the second largest ground water withdrawal in the basin and one of the largest impacts on the river of any community. She wants Reading to be treated the same way as all the other communities that are subject to WMA permit restrictions. What this amended Staff Recommendation does, she maintained, is depart from fundamental policies of the WRC. Mackin said she supported all of the amendments proposed and she recognizes that this process has to come to closure.

Simonson stated that section “e” on page 27, refers to the “calendar year”. She said this withdrawal is limited to the six months of May through October, so she did not understand why this refers to the calendar year. She went on to say that since Reading will have a separate meter for MWRA water, the 10-day reporting requirement seemed like an excessive amount of time. It should be relatively instantaneous to get a reading at any time. She said seven days would be a better time period. Hechenbleikner said that the 10 day period was chosen because it conforms to the time period when all the other reports are due. This makes it easier administratively to comply.

Simonson continued, saying that this is an Interbasin Transfer approval, not a permit. It doesn't have the same requirements as the DEP permits. The headwater communities have a responsibility when they transfer water from another basin. "They impact, not only the downstream users in their own basin, they impact people elsewhere, water resources elsewhere. It seems to me that Reading should reduce its water triggers to two levels and go to hand-held (devices) only like the other users in their basin. But more importantly, I think their restrictions should be more stringent because they have two sets of laws they have to honor, not just one. It is just misfortune being a headwater community, but it's where you are geographically and there are responsibilities for being a headwater community, and I don't see how anybody can maintain that everybody has to be the same. Everyone is not the same in a geographical or resource sense. Headwater communities are always in more stressed parts of the basin than downstream communities so ... I don't think that argument holds a lot of water, quite frankly. I think it has to be that you have come in now to take water from somewhere else, never to return, and that requires a certain responsibility and I think we should all just face that."

Honkonen suggested that the Commission consider the motion on the floor:

V O T E	On the previous motion to amend Condition 2a on page 26 of the Staff Recommendation to change <u>and</u> to <u>or</u> so the language would read: "If the Town purchases water from the MWRA during the May 1—October 31 period in volumes that equal or exceed those in Table 3, <u>or</u> if the streamflow ..."
	The vote was three in favor, six opposed.

V O T E	A motion was made by Tisa and seconded by Zimmerman to amend Table 4 under Condition #2, on page 27 of the staff recommendation to eliminate the first level and reorder the other two levels so that there would be only two levels.
	The vote was three in favor, six opposed.

MOTION: A motion was made by Tisa and seconded by Zimmerman to amend Condition #1 that there be the establishment of a notification procedure relative to when Reading is declaring an emergency to both DEP and WRC Staff that they consider there is an emergency and they will be pumping beyond their limits.

Honkonen asked Tisa if he could clarify what this process might be. Tisa replied that it is simply to prevent a situation where Reading is pumping more than 1 mgd and no one is notified in a timely manner. He did not think that there was a notification process in place. He said that this could certainly be done within 24 hours before they began emergency pumping. Yeo said that there is an established procedure with DEP for water supply emergency declarations. There is a process in place and it has worked well. Tisa said that it is not clear in this condition. Gildesgame asked if it would be Reading or DEP declaring the emergency. LeVangie answered that it would be DEP, but Reading has to request it. Tisa asked if this could be made clear in the

conditions. Drury suggested that this should go under Condition #1c. Tisa agreed, but requested a change to the wording to assure that all understood that this was the procedure.

V O T E	<p>The previous motion was amended to read: to amend Condition #1c on page 26 of the Staff Recommendation to read: “the WRC interprets ‘unforeseen, isolated or emergency situation’ to mean either a ‘Short-term water supply emergency’ or ‘Interim water supply emergency’ as prescribed in the DEP <u>Declaration of a . . .</u>”</p> <p>The vote in favor was unanimous.</p>
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Discussion turned to Tisa’s fourth point. Hechenbleikner suggested language which stated “After the new water treatment plant is on line in Reading, the Town will consult with the WRC Staff relative to alternative purchase and withdrawal scenarios.”

Tisa asked if the Staff was the same as the Commission. Drury said no, but if the Town consults with Staff, Staff would consult with the Commission. Staff will advise the Commission, but the Commission makes the decisions. Honkonen asked if this reflected Tisa’s concerns. Tisa said he would rather that this Condition require consultation directly with the Commission.

V O T E	<p>A motion was made by Tisa and seconded by Clayton to amend Condition #5 on page 28 of the Staff Recommendation to read: “After the new water treatment plant is on line in Reading, the Town will consult with the WRC relative to alternative purchase and withdrawal scenarios”.</p> <p>The vote in favor was unanimous</p>
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MOTION: A motion was made by Clayton and seconded Tisa to amend Condition #4 on page 28 of the Staff Recommendation to read: “. . . If the thresholds set forth in the water withdrawal permits issued to permittees in the Ipswich River basin change, the Town or the WRC may request an amendment of the thresholds in this Interbasin Transfer Act document. . . .”.

Kennedy asked Clayton to elaborate on his reasoning behind this motion. Clayton said that he thought it was in the best interest of the resource to assure that the WRC can consider amendments to the thresholds. Yeo asked about the status of the threshold issue with the Ipswich Water Management Act permits. Would the number be higher? LeVangie said that they were waiting for a decision from the judges. At this point, the status is unknown.

V O T E	<p>The vote on the previous motion was seven in favor, two opposed.</p>
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V O T E	<p>A motion was made by Yeo, with a second by Contreas, to approve the staff recommendation, as amended, to approve the Town of Reading's application for an interbasin transfer from the MWRA.</p> <p>The vote was six in favor, with three opposed.</p>
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The Commission took a five-minute break.

Agenda Item #5: Presentation – Staff Recommendation on the “Stress” Level of the Weir River

Hutchins reminded the Commission of the request by Riverways in April to reclassify the Weir River basin as highly stressed. In the 2001 Stressed Basin report, prepared for the Commission, the Weir River was designated as unclassified because there was not a long-term USGS flow gage on the river. Staff has reviewed Riverways' request and concur with their opinion that the Weir River should be classified as a highly stressed basin.

The Weir River basin is a subbasin of the Boston Harbor basin. An inflow-outflow analysis was performed on the Weir River subbasin by GZA, as part of a Watershed Initiative study in 2002, using water withdrawal and sewerage discharge data from 1996 to 2000. The Stressed Basin report allowed for the analysis of unclassified basins using an inflow-outflow analysis, combined with the Stream Stats program, developed by USGS for Massachusetts. This allows estimation of flow statistics for an ungaged river. The flow statistics are compared the net outflow from the basin to make a determination about the stress level. GZA reported a net outflow of 2.98 mgd from this basin.

Hutchins referred to the Staff Recommendation on this topic. Page 2 gives a summary of the criteria that was used for high and medium stress classification and a comparison of the streamflow statistics. A basin can be classified as medium stress if the net outflow equals or exceeds the estimated natural 7Q10. A basin can be considered high stress if the net outflow equals or exceeds the estimated natural August median flow

There are three different locations for analysis because Riverways conducted its analysis in two places and WRC Staff wanted to look at the basin as a whole, so used another point at the ocean outflow. Hutchins referred to a figure included in the Staff Recommendation and distributed at the meeting. This shows the areas where the analyses were conducted. The analyses demonstrated that the basin clearly met the classification for medium stress at all points. The 7Q10 flow at the outflow of the river to the ocean was 0.37 mgd. This compares to the 2.98 mgd outflow from the basin, which is obviously much higher. It also meets the criteria for high stress. August median flow is 2.34 mgd.

Fisheries data from the GZA report indicated that there are no riverine fish present. The only type of fish found during the study was macrohabitat generalists, a further indication of stress in the river. This adds one more element into the analysis. The area of the basin where this designation applies does not include the town of Hull or a portion in the northwest of the designated subbasin (west of Hingham Harbor). These areas drain to the ocean and were not included in the analysis. This is consistent with the GZA report.

Yeo asked if Hutchins had reviewed the GZA study to verify that their inflow-outflow analysis was consistent with information on file with DEP. Hutchins replied that the water use information used in the study was from the Annual Statistical Reports files with DEP, so it is consistent. There are areas where the wastewater is discharged to septic systems, so some estimates had to be done, but generally, she thought the numbers were sound. Gildesgame said that this study had been conducted with oversight from the then-DEM Office of Water Resources as part of the Watershed Initiative.

Gildesgame said that the WRC would be asked to vote on this next month. Kennedy asked if the Commission had ever done this before. Honkonen said that this is the first time it has updated the Stressed Basin report. Simonson asked if the towns in the basin would be eligible for extra Commonwealth Capital points and will DEP treat them differently as far as water conservation requirements, as a result of this classification. LeVangie said that if this basin is classified as highly stressed, communities applying for WMA permits will be required to meet the standards outlined in the DEP stressed basin policy. Simonson asked about funding opportunities. Hutchins did not know if this would change funding eligibility.

Shilts said that the water supply system in Hingham was privately owned. Hutchins said that Aquarion Water Company, which served Hingham, was the largest water withdrawer in the basin and it is currently under an ACO with DEP because it has reached its permit limits. Aquarion will be coming before the WRC with a new well that is subject to the ITA. Drury updated the WRC on the Aquarion Free Street Well #4. The Secretary issued a certificate on the ENF and is requiring a full EIR, because one of the triggers for this is a “significant” ITA application. WRC Staff have determined that even though the well will produce less than 1 mgd, it is unlikely to meet the environmental criteria for insignificance and thus will need a full review.

Honkonen asked if the representatives from the Weir River Watershed Association had any comments. Shilts introduced himself and said that he was also on the Hingham Board of Health and the Hingham Water Supply Committee. As a member of the Weir River WA, he said that this classification is something the WA has been seeking for awhile. It is only a coincidence that the Aquarion application is before the State at the same time. The town of Hingham is looking for a clear outline on the direction of this classification. This will bring awareness in the community that water conservation should be a priority.

Woods thanked the Staff and Riverways for bringing this forward to the WRC. She said that she had been involved with the Watershed Initiative. It seems appropriate to have this reclassified now. The Weir River, she said, is clearly stressed from past bad management decisions. This will increase awareness to the residents of the basin of where their water comes from and that there are impacts to other resources. She added that it is not just water withdrawals that are causing the stressed conditions. There are dams on the river that hold water back from the lower reaches. She added that the WA has worked with Aquarion at length to encourage them to work together on restoration.

Simonson asked if there was a proposal for Hingham to buy back its water system. Woods said Hingham gave away its water rights years ago. The water company is private and owns all the infrastructure. The water costs are the highest in the state. There is a lot of animosity between the public and the water company. She continued that Hull is looking at a desalinization

proposal, but she was not sure that this would be cost-effective. She thinks that this classification will make people more aware of their environment. Shilts added that there is no proposal to buy back the water system. Hingham is in the process of developing a comprehensive water resources management plan. One of the things they are looking at is water supply resources. It is a complicated process he said, so to have a State opinion on the stress level will be helpful.

Rich asked if Aquarion was aware of this proposal. Shilts said that he had met with them the other night and they were aware of this. They would have liked more notice of today's meeting. Rich said that he would like to hear from the water suppliers in the region. Honkonen suggested that all the water suppliers in the basin be invited to the next meeting.

New Business

- Honkonen pointed out an island on the map that was included with the Weir River presentation. This is Bumpkin Island, where he began his State career as a Park Ranger.
- Honkonen gave an official thanks to Gary Clayton for his years of service.

Meeting adjourned